



WOKINGHAM BOROUGH COUNCIL

Appellant:	Stuart Garnett Shorewood Homes Ltd
Site:	Land north of Broadwater Lane and West of Hogmoor Lane Hurst Berkshire RG10 0DY
Local Planning Authority Reference:	260353
Planning Inspectorate Reference:	6011047

July 2026

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1.0 Introduction

- 1.1 Permission in Principle was refused on 30th March 2026 under application reference 260353. The proposal was for *‘Permission in principle application for the proposed erection of a maximum of 7 no. dwellings (or a minimum of 5 no. dwellings), including formation of an access from Broadwater Lane.’*
- 1.2 The application was refused for the following reasons:
1. *The proposal, by virtue of its location, represents unacceptable unplanned development outside of development limits within the designated countryside which is contrary to the spatial objectives of the development plan. This is contrary to policies CP1, CP9 and CP11 of the Core Strategy along with the NPPF.*
 2. *The proposal, by virtue of its location and amount of development, would fail to suitably assimilate into the established landscape and character of the surrounding area, and would fail to retain and enhance the traditional, historical, local and special character of the Village Centre (Hurst) Area of Special Character. This is contrary to policies CP1 and CP3 of the Core Strategy and policies TB21 and TB26 of the MDD, along with the Wokingham Council Borough Design Guide SPD (2012), Landscape Character Area Assessment (2019) and NPPF.*
 3. *The proposal, by virtue of its location, would fail to conserve or enhance the setting of four designated heritage assets in the form of Grade II Listed Buildings (Bower Cottage, Parkers Cottage, Elder Cottage and Wards Cross House). This is contrary to policy TB24 of the MDD and the NPPF.*
- 1.3 The Council's case is largely set out in the officer delegated report which has already been submitted to the Inspector as part of this appeal. In addition, the Council would be pleased if the Inspector could take into account the following comments before deciding the appeal which aim to respond to the grounds of appeal made by the Appellant.

2.0 Site description and surrounding area

- 2.1 The application site comprises of a curved parcel of land stretching between Broadwater Lane and Hogmoor Lane. To the west of Broadwater Lane is linear residential development with scattered Listed Buildings. To the north of Broadwater Lane (which encapsulates the application site) is open, largely undeveloped land. Hogmoor Lane is a narrow Lane, again with residential development, on both sides of the Lane, but with a gap in built form at the application site.



Figure 1: Application site indicated in red, in the context of Broadwater and Hogmoor Lanes

3.0 Planning History

Application No.	Description	Decision & Date
240583	Outline application for the proposed erection of 9 No dwellings and associated access (with Landscaping, Layout, Scale and Appearance reserved and only Access to be considered).	Refused 29/11/24 and dismissed at appeal
981273	Proposed Erection Of 5 Detached Dwellings and Garages	Refused 07/07/98 and dismissed at appeal

4.0 Legal Context and Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework 2024 (NPPF), among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 It is considered that the of policies relevant to this appeal remain unaltered, as outlined in the officer's delegated report.

5.0 Response to Appellant's Grounds of Appeal and Planning Considerations

- 5.1 The following comments are made in response to specific parts of the grounds for appeal and related documents submitted by the Appellant to date and should be read in conjunction with the officer's report. Each reason for refusal will be discussed in turn with a response to the Appellant's comments.

Reason for refusal 1 – Principle of Development

- 5.2 This reason for refusal centres around the location of development, outside of settlement limits within the Wokingham countryside. As such, the proposal is contrary to the spatial strategy of the borough that seeks to direct development to defined settlement limits. There are some normal exceptions for where development in the countryside could be permissible. These are outlined in policy CP11 of the Core Strategy. None of these apply to this appeal scheme.
- 5.3 The Appellant, within their statement of case, presents two main arguments in response to this reason for refusal:
- 1)** The absence of a 5YHLS means that the spatial strategy policies are out of date and that limited weight should be applied.

2) Paragraph 46 of the appeal decision for the previous scheme on the site (ref. 240593/ Planning Inspectorate reference APP/X0360/W/25/3359898 - see planning history) is referred to where the Inspector stated the following in relation to the Borough's spatial policies:

“Nonetheless, there would be conflict with the development strategy for the area and with Policy CP9 of the Wokingham Borough Core Strategy (2010) (CS) along with Policy CCO2 of the MDLP which amongst other things seek to direct development to locations within settlement boundaries. The development is not of a type that is supported outside of development limits under Policy CP11 of the CS. The Council however could not articulate to me the harm that would arise from these policy conflicts at the Hearing and I afford limited weight to the conflict with these policies.”

Response to Appellant's argument (no. 1)

- 5.4 The statutory starting point for determination is the development plan. The site is outside of settlement limits and within the countryside and the location for the proposed development conflicts with the spatial strategy in the development plan.
- 5.5 A priority of the development plan is to steer new housing to within settlement boundaries and limit development within the countryside. This is, among other things, is to maintain the quality of the environment and protect the separate identity of settlements as specified in the explanatory text to policy CP1 and within policy CP11, and furthermore these are the overarching aims of policy CP11. The spatial strategy also provides certainty to the public regarding how the borough will be developed.
- 5.6 Despite the borough not having a 5YHLS (current housing land supply position of 2.5 years), it does not mean that the spatial strategy is redundant or the spatial policies rendered out of date with minimal weight to them only able to be applied. Despite being out of date, paragraph 232 of the NPPF is clear that due weight should be given to policies according to their consistency with the NPPF.

- 5.7 Paragraph 17 of the NPPF states *“The development plan must include strategic policies to address each local planning authority’s priorities for the development and use of land in its area.”* and paragraph 20 of the NPPF states that the development plan must include strategic policies to address each local planning authority’s priorities and an overall strategy for the pattern, scale and quality of development.
- 5.8 The objectives of the CP9 and CP11 are consistent with the Framework in that they provide certainty and clarity about where development should be located and this is a fundamental objective that underpins the plan-led system and for that reason the conflict should continue to be afforded weight, and thus so should the policy conflict with CP9 and CP11.

Response to Appellant’s argument (no. 2)

- 5.9 Within the original assessment of the application, and within the delegated Officer report, the Council acknowledged that non-compliance with the specified exceptions for development in the countryside, as outlined in policy CP11, did not automatically mean that the proposal would result in harm to the countryside. Rather, it acknowledged that a further assessment of the proposal in relation to the policy intent of CP11 was required (ie. the overarching policy aims) to make a fully informed judgement as to the proposal’s compliance/ non-compliance with the policy.
- 5.10 As mentioned, the overarching aims of the policy are to prevent settlement coalescence and maintaining the quality of the environment. As discussed in the Officer report, the proposal would not result in the coalescence of settlements. However, it was concluded that the proposal would fail to maintain the quality of the environment, owing to the landscape and heritage harm identified and outlined in RfR 2 and 3.
- 5.11 It should be noted that when judging whether a proposal maintains the quality of the environment, it is acknowledged that most, if not all development, will have an impact on the environment it sits in. As such, ‘maintaining’ the quality of the environment is not considered to be a zero-impact test but rather a planning judgement test about effect and acceptability, not absolute preservation. In this case, the proposal demonstrates an unacceptable and

harmful conflict with landscape and heritage policies, and as such, the environment is not maintained to a suitable degree with minimal or inconsequential policy conflict. Because of this, the proposal fails to comply with the overarching aim of policy CP11 and thus is not acceptable in principle in this countryside location.

- 5.12 As part of the aforementioned appeal, the Inspector did not make explicit reference to policy CP11's overarching aim of 'maintaining the quality of the environment' and therefore conclusions on this matter are not clear. Within paragraph 46 of that decision, as the Appellant refers to, does acknowledge conflict with the spatial strategy but the conflict only given limited weight as '*the Council however could not articulate to me the harm that would arise from these policy conflicts at the Hearing*'. In the Council's view, this statement, which appears to relate to the Council's performance at the Hearing itself, does not conclude that this approach or view should automatically be taken for this appeal too, as suggested by the Appellant.
- 5.13 The Council have articulated the harm under this application and appeal, particularly in relation to the overarching aim of 'maintaining the quality of the environment, and demonstrated how the absence of a 5YHLS does not render the Borough's spatial strategy policies out of date with limited weight, due to their alignment with the NPPF and are consistent with the fundamentals of the plan led system.
- 5.14 Ultimately, conflict with the spatial strategy is considered to hold moderate negative weight, and due to the harms identified in RfR 2 and 3, the proposal cannot comply with the overarching aim of policy CP11 of maintaining the environment.
- 5.15 Whilst the Council acknowledges the Inspector in the previous appeal afforded limited weight to conflict with Policies CP9 and CP11, that conclusion was reached in the absence of clearly articulated environmental harm. In the current appeal, the Council's case is that the harm arising to heritage assets and landscape character provides a clear evidential basis for attributing greater weight to this conflict. Accordingly, the weight attributed reflects the interaction

between spatial conflict and site-specific harm, rather than the policy conflict in isolation.

Reason for refusal 2 – Impact on the landscape

- 5.16 This reason for refusal centres around the proposal's impact on the landscape and surrounding area (which includes the Village Centre (Hurst) Area of Special Character (AoSC). The harm arises due to the location and maximum amount of development proposed. **Appendix 1**, a statement prepared by the Council's Built Heritage specialist, should also be read in conjunction with this statement as it provides commentary on the proposal in relation to the AoSC.
- 5.17 As part of the appeal, the Appellant has submitted 3 new iterations of the proposed layout showing 5, 6 and 7 units to reflect the minimum and maximum dwelling numbers. However, the Council are of the view that it is the maximum scenario that needs to be assessed in relation to site constraints and for which a decision should be based on. It is also worth noting that all the submitted layouts rely on the internal connecting road, which is a primary concern for the Council in design terms, as discussed within the Officer report. Given the site's configuration, the absence of an alternative access point and the need to serve both Broadwater Lane and Hogmoor Lane frontages, the Council considers that a connecting internal road is an unavoidable consequence of developing the site for the amount proposed, rather than a discretionary design choice.
- 5.18 The site is also located in the Wokingham Borough Landscape Character Assessment (WBLCA) Area C2 – 'Hurst River Terrace', a landscape of overall moderate quality and sensitivity, with a modest capacity for change.
- 5.19 The Landscape Strategy for LCA C2 is:
- to maintain the landscape character of C2 LCA is to conserve and enhance the quiet rural and agricultural landscape with its scattered rural farmsteads and small red brick villages connected by narrow and rural lanes.*
- 5.20 A key aspect to be conserved and actively managed is;

- the open views overlooking the adjoining floodplain of the Loddon. There are opportunities to enhance the landscape through restoration and management of the hedgerows. Opportunities also exist to restore lost wetland and grassland habitats and reinstate woodland planting, which may mitigate the influence of the M4/A329 (M).

5.21 In terms of development, the aim of the Landscape Strategy is to conserve the low-density pattern of settlement centred around Hurst and Whistley Green.

5.22 Each description of the character areas within the LCAs include 'Valuable Landscape Attributes' which for C2 are;

- **Peaceful and open character** of the undeveloped arable and pastoral landscape when removed from the intrusion of major roads to the south, which provides an escape in close proximity to the urban population.
- **Rural settlement pattern** of small villages with historic cores and farmsteads unified by the cohesive use of redbrick which provides a cultural record of the past and adds local distinctiveness.
- **A network of narrow rural lanes** with characteristic roadside ditches which contribute to scenic quality.
- **Small wetland habitats**, including drainage channels and numerous farm ponds which are valued for flora and fauna.
- **Gently undulating terrace landform provides open and clear views** to the wooded backdrop of the adjacent Loddon Valley.

5.23 The site is also located within the Haines Hill Valued Landscape. The Council notes that in the previous appeal the Inspector did not find sufficient evidence to conclude that the site formed part of a valued landscape (and at the time of the previous appeal the site was not formally within the Valued Landscape, however the boundary of the Valued Landscape has since been extended to include the site). Nevertheless, the assessment does not rely on formal designation, but instead on site-specific characteristics which increase the sensitivity of this part of the Landscape Character Area to development. This designation comes from the Valued Landscape Topic Paper associated with the

Local Plan Update which at present holds limited weight. However, a landscape does not need to be mapped to be valued, providing the landscape meets the qualities associated with valued landscapes as outlined in Box 5.1 of GLVIA3 'Guidelines for Landscape and Visual Impact Assessment '(2013). They are:

- Landscape Condition
- Scenic Quality
- Rarity
- Representativeness
- Conservation Interest
- Conservation Value
- Perceptual Qualities

5.24 The Council's Landscape specialist considers the site surroundings to demonstrate all of the above qualities and makes the following observations:

- The **landscape condition** is moderate across the whole of the LCA however the physical landscape, rural settlement pattern and openness of the rural landscape is intact. The landscape around site is of a higher quality.
- There is **scenic quality** in views along Broadwater Lane to the east and west, of the backdrop the site, and land to the west of the site provide to the setting of the AoSC, and importantly the views from Hogmoor Lane through the gap between Long Barn and Apple Tree Cottage which are important to the recreational routes from Hogmoor Lane such as PRoW STNH9.
- The site and wider area of pastoral fields to the west, are **rare** in that they have Veteran trees identified on the ATI, located in the field boundary hedgerows which themselves are a rare feature, so as to elevate the rarity and landscape value of the site and its setting.
- The site and immediate setting is **representative** of the Valuable Landscape Attributes described in the C2 LCA.

- The **conservation** interest is represented by the listed buildings to the south and east, as well as the veteran and mature trees within and around the site.
- **Recreation value** – Hogmoor Lane in particular is a narrow country lane that leads to the wider countryside and recreational routes.
- The site and its immediate surroundings have a **perceptual quality** of timelessness and tranquillity.

5.25 It is clear from the descriptions in the C2 LCA, from the presence of several Veteran trees, mature and intact high quality hedgerows in combination with the views across the landscape from narrow and rural lanes, such as Hogmoor Lane and at Broadwater Lane, and the pastoral backdrop to the AoSC, that the quality of the landscape features combined elevate the quality the surrounding landscape of the site above 'moderate'. The fact the site and its surroundings also have qualities that would designate it a valued landscape further heightens the site sensitivity. As such, the impacts of development on this sensitive landscape will also be heightened.

5.26 The Council has concerns regarding the urbanisation of the site by way of the internal site road and amount of development and thus its consequential impact on the landscape. It should also be noted that detailed mitigation measures, including landscaping and layout refinement, cannot be secured or relied upon at the Permission in Principle stage, and therefore cannot offset the identified harm in this assessment. The Appellant is of the view that the internal access road would not be perceptible from public viewpoints and the impact would be most apparent from a 'birds eye' view and that dwellings on Hogmoor Lane would be arranged in a linear fashion similar to existing dwellings on the road. However, owing to the broad arrangement of the site, any dwelling proposed on Hogmoor Lane would appear inaccessible and alien in their setting along this rural road/track. There would be no obvious perception of how pedestrian, or vehicle, access is provided to these units. This highlights that the proposal is poorly designed in this respect as it would create a development that fails to provide a legible integration within the context of the existing surrounding built form. The arrangement (and particularly the site road) would also be at odds with how linear and ribbon development traditionally operates and which is a

characteristic of the surrounding area. The excessive internal site road would also see an abundance of hardstanding which is unsympathetic in this countryside location.

- 5.27 The higher density, and internal road arrangement, gives the scheme an 'estate' appearance rather than a 'loose village' appearance, as referenced in the Borough Design Guide (2012) which is dominated by landscape, spaciousness and less enclosed streets where landscape and the rural hinterland has an opportunity to penetrate the village with trees and vegetation. The site setting as existing is typical of this pattern, with open fields and views to the east, west and north-east of the site. The layout is in an excessively urban form, and obstructs important views across the landscape, through the site from Hogmoor Lane to the Veteran trees lining the pasture fields behind Broadwater Lane. Furthermore, the development causes harm to the backdrop of this part of the village and the AoSC, adversely impacts the scenic quality, the valuable landscape attributes and other features of a high quality area of landscape within the C2 LCA.
- 5.28 The Appellant considers issues surrounding the proposal's impact on the AoSC have been overcome since the previous appeal. However, due to the new application site and proposal, new harm to the AoSC has been created as a result of this proposal, distinct from the previously identified harm relating to veteran trees, arising from the form, depth and spatial arrangement of development.
- 5.29 It is agreed the previously identified harm in relation to the AoSC in respect of veteran trees (as noted by the Planning Inspector for the previous appeal) has been overcome, and this was acknowledged in the delegated Officer's report. However, this does not now mean automatically that there is no harm to the AoSC as part of this proposal. As identified, the Council consider new harm to the AoSC has been created as a result of this new proposal and particularly the development on Hogmoor Lane.
- 5.30 Consequently the Council remain of the view that the scheme remains in conflict with policy CP3(a) of the Core Strategy which seeks to ensure development is compatible with the character of the area. Furthermore, there

would be conflict with policy TB21 which seeks to retain or enhance the condition, character and features that contribute to the landscape. The proposal would fail to do either. Lastly, policy TB26 of the MDD states that development retain and enhance the traditional, historical, local and special character of the building or area and its setting. In this case, the AoSC would not be retained or enhanced due to the erosion of the rural landscape which informs its character.

Reason for refusal 3 – Impact on heritage assets

- 5.31 This reason for refusal centres around the proposal's impact on designated heritage assets and engages the statutory duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires special regard to the desirability of preserving listed buildings and their settings, alongside conflict with policy TB24 of the MDD and the NPPF.
- 5.32 The Council's response and comments in relation to this reason for refusal is fully contained within **Appendix 1** which has been prepared by the Council's Built Heritage specialist. In particular, Appendix 1 demonstrates that the appeal site forms part of the historic agricultural setting of Wards Cross House and associated buildings, and that this relationship contributes to their significance beyond purely visual intervisibility.
- 5.33 As less than substantial harm to heritage assets have been identified, as per paragraph 215 of the NPPF, a heritage balance has to be undertaken. It states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. The outcome of the heritage balance remains as written in the delegated Officer report. The cumulative impact of harm to a number of designated assets, and the relatively modest and limited public benefits are not considered to outweigh the harm.

6.0 Conclusion

- 6.1 After consideration of the Appellant's Statement of Case, the Council remain strongly of the view that the proposal subject of the appeal remains unacceptable in line with the reasons for refusal.
- 6.2 For clarity, the Council attributes: (i) substantial weight to the provision of housing; (ii) substantial weight to the conservation of designated heritage assets (iii) moderate weight to harm to the Area of Special Character as a non-designated heritage asset; and (iv) moderate weight to conflict with the spatial strategy. When taken together, the combined heritage and landscape harm is considered to significantly and demonstrably outweigh the benefits, even when the presumption in favour of sustainable development (the tilted balance at para 11(d) of the NPPF) is engaged.
- 6.3 Whilst the proposal would deliver housing benefits in the context of a 5-year housing land supply shortfall, those benefits are limited in scale and do not outweigh the identified harms when assessed against the Framework as a whole.
- 6.4 The Inspector is therefore respectfully requested to dismiss the appeal on the basis of the above assessment and other supporting documentation already submitted.